

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

DAVID T. JOHNSON,

Plaintiff,

vs.

URVASHI FOSTER, *et al.*,

Defendants.

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Case No. 4:21-CV-219-CDL

ORDER

On January 25, 2024, Plaintiff filed his second motion pursuant to Rule 60(b) (ECF No. 68). The Court denied his first Rule 60(b) motion (ECF Nos. 45, 53). The Eleventh Circuit affirmed the dismissal of Plaintiff's Complaint (ECF No. 65). Plaintiff argues this Court's judgment is void for lack of jurisdiction. Mot. to Vacate 7, ECF No. 68.

If the Court had been without jurisdiction, the Eleventh Circuit would have vacated the judgment and remanded the case with instructions for the Court to dismiss the Complaint for want of subject matter jurisdiction. *See Travaglio v. Am. Exp. Co.*, 735 F.3d 1266, 1270 (11th Cir. 2013). Instead, the Eleventh Circuit affirmed the Court's dismissal of Plaintiff's Complaint. *See* ECF No. 65. Accordingly, Plaintiff's second Rule 60(b) motion (ECF NO. 68) is **DENIED**.

SO ORDERED, this 22nd day of February, 2024.

/s/ Stephen Hyles

UNITED STATES MAGISTRATE JUDGE